



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

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*The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007*

April 7, 2021

**BY ECF**

The Honorable P. Kevin Castel  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street  
New York, New York 10007

**Re: *United States v. Virgil Griffith*, 20 Cr. 15 (PKC)**

Dear Judge Castel:

As the Court is aware, the Government's anticipated Classified Information Procedures Act ("CIPA") submission in this matter was originally due on March 19, 2021. On March 15, 2021, at the direction of the Counterintelligence and Export Control Section of the National Security Division for the Department of Justice ("CES"), the Government requested, and the Court granted, a three-week extension of that deadline until April 9, 2021. *See* Dkt. 105. This morning, the head of a member of the United States Intelligence Community ("USIC") requested a one-week extension of the April 9, 2021 deadline to complete a supporting declaration that is a necessary component of the filing. *See United States v. Aref*, 533 F.3d 72, 80 (2d Cir. 2008) (specifying that the privilege must be "lodged by the head of the department which has control over the matter, after actual personal consideration by that officer" (internal citation and quotation omitted)).

Because a supporting declaration from this member of the USIC is necessary for the invocation of the "state secrets" privilege, CES has instructed this Office to seek a one-week extension of the Government's deadline to file its motion pursuant to CIPA.

Hon. P. Kevin Castel  
April 7, 2021

Page 2

Pursuant to CES's instructions, the Government respectfully requests that the Court extend the date for its CIPA motion until April 16, 2021, to permit adequate time for the USIC member to address this matter. The Government has notified the defense of this application, and the defense does not object to the proposed extension.

Respectfully submitted,

AUDREY STRAUSS  
United States Attorney

By: /s/  
Kimberly J. Ravener  
Kyle A. Wirshba  
Assistant United States Attorneys  
(212) 637-2358 / 2493

cc: Defense Counsel (by ECF)